

With a new administration focused on bringing needed change to the Nation, a new focus on consumer safety should be part of this change. During the Clinton administration, consumers had an effective advocate with a long record of commitment to protection in Ann Brown, chairman of the U.S. Consumer Product Safety Commission. But staff cutbacks in the Food and Drug Administration and the U.S. Consumer Product Safety Commission have further undermined effective efforts to protect consumers. Bipartisan legislation has attempted to address these challenges, but more progress is needed.

Now is the time for action. The new administration can go a long way in restoring the trust of Americans in the safety of the products they use by restoring the Office of Consumer Affairs to its rightful place in the White House. I urge the administration to do so, and I ask that the editorial from the January 4 New York Times may be printed in the RECORD.

The editorial follows.

[From the New York Times, Jan. 4, 2009]

#### A VOICE FOR THE CONSUMER

The time has come to give the American consumer a much stronger voice in Washington. President-elect Barack Obama has already named what amounts to an energy and environmental czar in the White House, and America's beleaguered consumers deserve no less.

Mr. Obama should restore the White House Office of Consumer Affairs, which vanished during the Clinton years, and appoint a director who has both the president's ear and the authority to rebuild the consumer protection agencies that were undercut or hollowed out by the fiercely anti-regulatory Bush administration.

There is no shortage of agencies ostensibly designed to protect consumers. But without an emergency like killer spinach or lead in children's toys, the Bush administration has mostly failed to hear customers' complaints. The consumer safety net is simply far too weak.

The Food and Drug Administration has suffered cutbacks in expert personnel, and still relies too heavily on industry to police itself. Credit-card holders who have been subject to all kinds of Dickensian tricks and traps were finally told by the Federal Reserve that relief is in sight—in 2011. Not so long ago, there was only one official toy tester at the Consumer Product Safety Commission, and oversight generally was so weak that Congress was forced to step in with new protections, which still could be strengthened.

It will be up to the Obama administration to bring these agencies back to life. In part this means restoring the morale of government workers who have too often been stymied by the anti-regulators at the top. It will also mean stronger consumer protection policies and hiring more skilled people. It will mean giving one official responsibility for coordinating the entire apparatus.

Presidents Johnson and Carter both recognized the need for a strong person to do that job. Both chose Esther Peterson, who during about eight years in office pushed for then-radical ideas like nutritional labeling on food and truth in advertising. As the Reagan anti-government era began, the consumer protection job steadily lost clout until it was shuttered in the late 1990s.

During his campaign, Mr. Obama promised consumers that he would help them get a fairer deal. As the victims of lead toys and predatory lenders can attest, they certainly need one. Restoring the Office of Consumer Affairs and appointing a director as strong and capable as Mrs. Peterson would be an encouraging first step. •

#### ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, in the 4 years since the federal ban on assault weapons was allowed to expire, hundreds of people in this country have died and been injured by previously banned weapons. The Brady Center to Prevent Gun Violence report, "Assault Weapons: Massed Produced Mayhem," details the deaths of 165 people and the injury of 185 people by assault weapons since the ban expired. This includes the death and injury of 38 police officers. The simple fact is, our communities are less safe than they were 4 years ago.

The Bureau of Alcohol, Tobacco, Firearms and Explosives described assault weapons in their Assault Weapons Profile as weapons "designed for rapid fire and close quarter shooting at human beings. That is why they were put together the way they were. You will not find these guns in a duck blind or at the Olympics. They are mass produced mayhem." Unlike semiautomatic hunting rifles, which are designed to be fired from the shoulder and rely on the accuracy of a precisely aimed projectile, assault weapons are designed to be fired at the hip and to maximize their ability to rapidly shoot multiple human targets.

The report also outlines the dangerous weapons race law enforcement officers have been forced to enter in an effort to counter the increasing likelihood that they will be confronted by a criminal wielding an assault weapon. In addition to the common criminal, assault weapons are highly attractive weapons for terrorists. The ease with which they can currently be purchased, combined with their designed ability to inflict as much damage as possible, make them ideal tools for conspiring terrorists. Just last year five men were arrested in New Jersey with a stockpile of assault weapons, while planning to attack the U.S. States Army base at Fort Dix.

Despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism and bipartisan support in the Senate, the assault weapons ban was not allowed to expire. Now, 4 years later, 19 previously banned military-style assault weapons, some capable of firing up to 600 rounds per minute, are once again pervading our streets and neighborhoods. This Congress we must take up and pass sensible gun safety legislation, including reinstating the assault weapons ban.

#### BLAIR NOMINATION

Mr. FEINGOLD. Mr. President, I support the nomination of ADM Dennis

Blair to be Director of National Intelligence. I do so as a strong supporter of intelligence reform and in the belief that Admiral Blair brings not only a keen understanding of the current challenges to interagency cooperation but an enthusiasm for reform. I am also encouraged by his consistent and repeated commitments to keep the congressional intelligence committees fully and currently informed, and his desire to end the stonewalling conducted by the Bush administration. The confirmation process has raised a number of issues of concern that I believe have been adequately addressed, although it is my hope and expectation that Admiral Blair, if confirmed, will work with me and other members of the committee on these, as well as other important matters.

Admiral Blair has committed to ending the Bush administration practice of hiding programs such as the CIA detention program and the President's warrantless wiretapping program from the full committee and has said that these programs "were less effective and did not have sufficient legal and constitutional foundations because the intelligence committees were prevented from carrying out their oversight responsibilities." He has also committed to breaking down the stovepiping of oversight whereby Intelligence Committee members are denied access to important Department of Defense activities. These commitments are a critical first step in ensuring effective oversight and in reestablishing a collaborative relationship between our two branches of Government.

While I was disappointed with Admiral Blair's refusal, at his hearing, to characterize waterboarding as torture, I am confident that he will carry out President Obama's Executive order prohibiting "enhanced interrogation techniques." I am also assured by his statement that "the United States must not render or otherwise transfer anyone to a country unless we have credible assurances that they will not be subject to torture or other unacceptable treatment."

His statements on privacy, civil liberties and checks and balances have also been reassuring. He has expressed concern about the U.S. Government's accumulation of detailed private information on U.S. citizens. He has reaffirmed that FISA is the "only legal authority for conducting surveillance within the United States for intelligence purposes." He told me at his hearing that he would submit intelligence programs to the Justice Department's Office of Legal Counsel at the outset, so that they are conducted under clear legal authorities. And, more generally, he has stated that he sees it has his responsibility to "make clear that protecting the privacy and civil liberties of Americans is as important as gathering intelligence." I do have concerns about his statement that he supports immunity for companies that allegedly cooperated with